

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DONALD L. WEIDENBURNER,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

Case No. 15-cv-762-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on petitioner Donald L. Weidenburner's Motion to Vacate, Set aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 1). Petitioner filed a Motion for New Trial in his criminal case (Doc. 762, 2-cr-40053) which the Court construed as 28 U.S.C. § 2255 motion after providing the petitioner with ample notice and opportunity to withdraw the motion.

Petitioner appealed the Court's order notifying him that he could withdraw the Motion for New Trial or the Court will construe it as a 28 U.S.C. § 2255 (Doc. 844, 2-cr-40053, USCA Case No. 15-2227) and then motioned (Doc. 857, 2-cr-40053) to supplement the record on appellate review. The Court denied the motion to supplement (Doc. 859) and the time for withdrawing the Motion for New Trial having expired, directed the Clerk of Court to file the Motion for New Trial as 28 U.S.C. § 2255 petition (Doc. 858). The Petitioner then appealed the Order denying motion to supplement and directing the filing of the 28 U.S.C. § 2255 (Doc. 860, 2-cr-40053, USCA Case No. 15-2580).

As both of the Petitioner's appeals deal directly with the 28 U.S.C. § 2255 motion at bar, the Court believes it is in the best interest of the Petitioner and judicial economy to stay this matter. The Petitioner and the Government are provided **21 days, on or before September 7st, 2015**, to object to the staying of this matter. If no objection is received, this Court will stay this matter until such time as the United States Court of Appeals for the Seventh Circuit rules on Petitioner's pending appeals.

IT IS SO ORDERED.

DATED: 8/11/2015

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE